THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7305 of 2007

Dated:10.04.2007

Between:

Sri Venkateshwara Educational Society.

... Petitioner

AND

District Collector-II and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7305 of 2007

ORDER:

The petitioner is a Society registered under the Andhra Pradesh Societies Registration Act, 2001. It was established to fulfill the educational needs of the Society. The land admeasuring Acs.33.38 guntas was donated to the Society by Sri M.Ravinder under registered gift deed dated 22.08.2002. It is alleged that Ravinder, the donor, purchased the said land from Khatija Sultana and nine others under unregistered sale deeds, which were regularized by the Mandal Revenue Officer vide proceedings dated 27.02.1997 under Section 5-A(4) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. The petitioner also alleges that the vendors of the donor, Ravinder, obtained Occupancy Rights Certificate (ORC), dated 21.04.1993, from the Revenue Divisional Officer, Ranga Reddy District, under the provisions of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 (for short 'the Act'). In the meanwhile, respondents 2 to 7 herein filed application before the Revenue Divisional Officer, Ranga Reddy District, for ORC for an extent of Acs.8.38 guntas in Survey Nos.221, 233 and 235. The Revenue Divisional Officer rejected the claim observing that the vendors of the donor of the Society are the lawful owners. Aggrieved by the said proceedings of the Revenue Divisional Officer, respondents 2 to 7 filed an appeal under Section 24 of the Act. The same, being Case No.F1/2569/2002, was disposed of on 17.06.2006 by the first

respondent observing that the respondents therein are not entitled for ORC as they purchased the same from the Inamdar, who was not having ORC. Aggrieved by the said orders, the petitioner filed the instant Writ Petition.

This Court has heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-T). It is the case of the petitioner that the vendors of Ravinder, who is the President of the petitioner-Society, obtained ORC from the Revenue Divisional Officer vide proceedings dated 21.04.1993. As seen from the impugned order of the Joint Collector, the same was the subject matter of the appeal before the first respondent. Respondents 2 to 7 herein filed the appeal in Case No.F1/2569/2002 against the orders of the Revenue Divisional Officer, Ranga Reddy East Division, in Proceedings No.J/4956/1995, dated 18.05.1999, in respect of the land in Survey Nos.221 (Ac.1.10 guntas) and 233 (Acs.3.08 guntas). Similarly, the appeal was also filed against Proceedings No.J/4955/1995, dated 18.05.1999, in respect of the land in Survey Nos.221 (Ac.1.03 guntas), 233 (Ac.0.18 guntas) and 235 (Acs.2.39 guntas). Therefore, whatever the observations made by the Joint Collector cannot legitimately be a ground for any grievance of the petitioner-Society that its President has donated the land under gift deed. Secondly, respondents 2 to 7 herein claimed that they purchased the land from the Inamdar in 1976 from Mohammad Basheeruddin Ahmed and others. By that date, even according to the petitioner, the Inamdars were not granted ORC, and therefore, the first respondent was justified in observing that without obtaining ORC, the Inamdars could not have alienated the property.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

10.04.2007
vs